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JUN 20 2005 10:30AM LAW OFFICE OF HUGH P. GOR 949-454-0898

p. 1

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200310817-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Nauka et al.

Confirmation No.: 1558

Application No.: 10/698,717

Examiner: Van T. Pham

Filing Date: 10/31/2003

Group Art Unit: 2653

Title: DATA STORAGE DEVICE INCLUDING CONDUCTIVE PROBE
AND FERROELECTRIC STORAGE MEDIUM

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TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee
() Other: (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. ~~A duplicate copy of this sheet is enclosed.~~

Respectfully submitted,

(X) I hereby certify that this paper is being transmitted
to the Patent and Trademark Office facsimile
number 703 872-9306 on 6/20/2005
Number of pages: 4

Typed Name: Hugh P. Gortler

Signature:

Nauka et al

By

Hugh P. Gortler

Attorney/Agent for Applicant(s)
Reg. No. 33,890

Date: 6/20/2005

Rev 12/04 (TnAmrFax)

Telephone No.: (949) 454-0898

- Attach as First Page to Transmitted Papers -

BEST AVAILABLE COPY**PATENT**
PDNO 200310817-1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of:
Nauka et al.

: Confirmation No. 1558

RECEIVED
CENTRAL FAX CENTERSerial No. 10/698,717
Filed: October 31, 2003: Group Art Unit: 2653
Examiner Van T. Pham**JUN 20 2005****For: DATA STORAGE DEVICE INCLUDING CONDUCTIVE PROBE
AND FERROELECTRIC STORAGE MEDIUM**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**ELECTION AND TRAVERSE**

This election and traverse is being filed in response to the office action dated May 23, 2005. The office action requires restriction between claims 1-35 drawn to a device and method of reading and writing to a data storage medium (Group I claims) and claims 36-37 drawn to a method of manufacturing a storage medium (Group II claims).

Claims 1-35 (the Group I claims) are provisionally elected without traverse.

The office action requires further restriction between the different species shown in Figures 6a-6g. These figures illustrate different read operations.

All claims that do not recite read operations are considered generic. These generic claims include claims 1-7 (which relate to structure of a data storage device); claims 8-10 (which relate to write and erase operations), and claims 22-26 (which relate to write operations).

BEST AVAILABLE COPY**USSN 10/698,717**

Claims 11-21 and 27-35 relate to read operations. Of these claims, claims 21 and 27 are generic to Figures 6a-6g, and claims 11 and 28 are generic to figures 6a, 6b and 6f. Claims 12 and 29 recite the read method illustrated in figure 6b.

The species of Figure 6b is provisionally elected. Therefore, claims 1-12 and 21-29 should be examined.

The restriction of the species is respectfully traversed. According to MPEP § 803 (Restriction – when proper), there are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent or distinct; and (B) There must be a serious burden on the examiner if restriction is required.

The restriction of the species is traversed because examining the different species will not place a serious burden on the examiner. A search of the read operation illustrated in figure 6b will likely cover the read operations illustrated in figures 6a and 6c-6f. All the examiner has to do is apply the search results to claims 13-20 and 30-35. Examination of claims 13-20 and 30-35 might add a burden on the examiner, but the burden will not be serious.

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The examiner is respectfully requested to withdraw the restriction of the species and proceed to examine claims 1-35.

Respectfully submitted,

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on June 20, 2005.

\Hugh Gortler #33,890\
Hugh P. Gortler
Reg. No. 33,890

\Hugh Gortler #33,890\
Hugh P. Gortler
Reg. No. 33,890

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

(949) 454-0898

Date: June 20, 2005